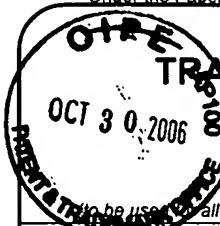


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TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

| | | |
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| Total Number of Pages in This Submission | Attorney Docket Number | EMELT-001US |
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| ENCLOSURES (Check all that apply) | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Certificate of Mailing and Return Postcard |
| <input type="checkbox"/> Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|-------|
| Firm Name | STETINA BRUNDA GARRED & BRUCKER | | |
| Signature |  | | |
| Printed name | Kit M. Stetina | | |
| Date | 10/26/06 | Reg. No. | 29445 |

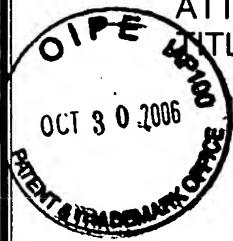
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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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| Signature |  | | |
| Typed or printed name | Bethany Miles | Date | 10/26/06 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ATTORNEY DOCKET NO: EMELT-001US
TITLE: BREATHING DEVICE



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Mail Stop AMENDMENT
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Bethany A. Miles
(Typed name of person signing certificate)

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2. Transmittal;
3. Response to Office Action & Exhibit A (12 pages); and
4. Return Receipt Postcard

Application No.: 10/505,466
Response to Office Action of 8/22/2006
Attorney Docket: EMELT-001US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|------------------|--------------------|-----------|
| Applicants: | Stephen Foster |) Confirmation No. | 8885 |
| | |) | |
| Serial No.: | 10/505,466 |) Art Unit: | 3743 |
| | |) | |
| Filed: | 03/14/2005 |) Examiner: | Teena Kay |
| | |) | |
| For: | BREATHING DEVICE |) | |
| | |) | |

RESPONSE TO OFFICE ACTION

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

In response to the Office Action of August 22, 2006, please amend the above-identified application as follows: